

REMARKS

Claims 14-24 are pending in the application and stand rejected. Applicant respectfully traverses the rejection and requests reconsideration of the claim rejections based on the following remarks.

Claim Rejections - 35 U.S.C. 102

Claims 14 and 15 stand rejected as being anticipated by U.S. Patent No. 6,475,682 to Ando for the reasons set forth on pages 2-3 of the Office Action. It is respectfully submitted that at the very minimum, claim 14 is patentably distinguishable and patentable over Ando in that Ando clearly does not disclose or suggest *patterning together the first gate conductive pattern and the second gate conductive pattern to form a first gate electrode, a second gate electrode and a third gate electrode in the first, second and third regions*, as essentially recited in claim 14. In stark contrast, it is clear that Ando discloses (FIGs. 5J~5K, 6J~6K and 7J~7K) depositing a single layer of conductive material over all regions of the semiconductor substrate and then patterning the single layer of conductive material to form gate electrodes 72/82/92 (see, Col. 9, lines 30-38).

In this regard, since Ando discloses *depositing and patterning a single conductive layer*, Ando does not, and cannot, disclose or suggest, e.g., *patterning together the first gate conductive pattern and the second gate conductive pattern to form a first gate electrode, a second gate electrode and a third gate electrode in the first, second and third regions*, as recited in claim 14. Therefore, claim 14 is not anticipated by Ando. Moreover, claim 15 is not anticipated by Ando at least by virtue of its dependence from claim 14. Accordingly, withdrawal of the anticipation rejections is requested.

Claim Rejections - 35 U.S.C. 103

Claims 16-24 stand rejected as being obvious over Ando. Applicant respectfully traverses the rejection and contends that Ando does not, and cannot, support a *prima facie* case of obviousness against any of claims 16-24. At the outset, it is to be noted that since each of the claims 16-24 depend directly or indirectly from claim 14, a *prima facie* case of obviousness has not been presented at least by virtue of Ando's deficiencies with respect to claim 14 as discussed above.

Furthermore, although Examiner has essentially acknowledged that Ando does not disclose the elements of claims 16-24, Examiner has offered no specific explanation as to how Ando suggests the claim elements. Essentially, Examiner's basis for obviousness of claims 16-23 (as stated on pp. 3-4 of the Office Action) is that *it would have been obvious to one having ordinary skill in the art of forming capacitors that a dielectric layer such as silicon oxide is required between lower and upper electrode*. But this basis of obviousness is legally deficient as a matter of law to support a *prima facie* case of obviousness. First of all, such conclusion is not supported by Ando, because Ando does not teach forming capacitors, much less *patterning together the first gate conductive pattern and the second gate conductive pattern*, as discussed above.

Moreover, Examiner's grounds for obviousness clearly misses the point. The present claims are directed to *methods for forming semiconductor devices*, which are not disclosed or suggested by Ando. Indeed, although a device (such as a capacitor) may be known to have a common structure (e.g., dielectric between two conducting layers), it is also appreciated by those of ordinary skill in the art that two different, distinct and patentable methods may be

implemented to form the same device. Here, Examiner's sole reliance on a "known" device structure is *insufficient* to render obvious a method for fabricating such device. Examiner must show that Ando teaches or suggests the claimed method steps. Absent such showing, the obviousness rejections are insufficient and must be withdrawn.

Accordingly, for at least the above reasons, withdrawal of the obviousness rejections is requested.

Respectfully submitted,



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